

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 1:07CR31 HEA
)	
DEWEY C. JOHNSTON,)	
)	
Defendant,)	

OPINION, MEMORANDUM AND ORDER

Before the Court is Assistant Federal Public Defender Bevy Beimdiek's motion to withdraw from representation of defendant in his motion for relief under *Johnson v. United States*, 135 S.Ct. 2551 (2015). The Court will grant Ms. Beimdiek's motion, and defendant's motion for relief, filed in his criminal action, will be denied without prejudice.

However, if Mr. Johnston wishes to pursue his *Johnson* claims by filing a motion to vacate, brought pursuant to 28 U.S.C. § 2255 on his own behalf, he may do so by filling out the enclosed court-provided form and returning it to this Court.

Accordingly,

IT IS HEREBY ORDERED that counsel's motion to withdraw [Doc. #92] is **GRANTED**.

IT IS FURTHER ORDERED that defendant's motion for relief under *Johnson v. United States*, 135 S.Ct. 2551 (2015) [Doc. #87] is **DENIED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court shall provide defendant with a court-provided form motion to vacate, brought pursuant to 28 U.S.C. § 2255.

Dated this 18th day of December, 2015.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE